

BEFORE THE DU PAGE COUNTY
ZONING BOARD OF APPEALS

May recommendation meeting) 23-000013
Hossain

May 3, 2023

5:30 p.m.

PROCEEDINGS HAD and testimony taken
before the DU PAGE COUNTY ZONING BOARD OF APPEALS,
taken at the DuPage County Administration
Building, 421 North County Farm Road, Wheaton,
Illinois, before LINDA M. CIOSEK, C.S.R. a Notary
Public qualified and commissioned for the State of
Illinois.

BOARD MEMBERS PRESENT:

MR. ROBERT KARTHOLL, Chairman.

MR. DENNIS MORAN, Commissioner.

MS. JANICE ANDERSON, Commissioner.

MR. CARL SCHULTZ, Commissioner.

MR. BARRY KETTER, Commissioner.

MR. ZAIN RAHMAN, Commissioner.

ALSO PRESENT:

MS. JESSICA INFELISE, Planning & Zoning.

1 CHAIRMAN KARTHOLL: Let's begin the
2 hearing. This is our DuPage County Zoning Board
3 of Appeals monthly recommendation meeting. We
4 have a couple of different items on the agenda
5 this evening, the first of which is the approval
6 of the minutes. Our agenda was published for the
7 approval of minutes A through E, and we are not
8 ready to discuss or consider the minutes for
9 Zoning Appeal No. 23-013 Hossain, which was an
10 April 20th, '23 hearing, so I want to formally
11 amend the agenda to exclude that item from the
12 agenda. I don't think it's necessary to have a
13 vote on that because we don't publish the agenda
14 by means of a vote, so I'm just going to declare
15 the agenda amended.

16 COMMISSIONER ANDERSON: Mr. Chairman, can I
17 make a motion to approve for the approval of the
18 minutes A through D then?

19 CHAIRMAN KARTHOLL: Okay, thank you.

20 COMMISSIONER KETTER: Second.

21 CHAIRMAN KARTHOLL: As amended.

22 CHAIRMAN KARTHOLL: Okay. Motion made by
23 Ms. Anderson and seconded by Mr. Ketter.

24 All in favor of the motion,

1 aye?

2 (Whereupon, all commissioners
3 responded aye.)

4 CHAIRMAN KARTHOLL: Any opposed?

5 (No response.)

6 CHAIRMAN KARTHOLL: The motion carries.
7 The next item that's on the agenda is the Hossain
8 petition that's 23-013. It's A Wayne Township
9 case, so I forgot who is from Wayne Township.

10 COMMISSIONER KETTER: I don't think we have
11 anybody.

12 CHAIRMAN KARTHOLL: So I'll take a motion
13 from anybody.

14 COMMISSIONER KETTER: I'd make a motion to
15 deny based on the fact that he had a failure to
16 prove his case. As we went along, he jumped
17 around and kept changing it. Even with questions
18 by the public that might have started to put the
19 case somewhere near, it was not met, so I would
20 move to deny.

21 COMMISSIONER ANDERSON: I'll second that
22 motion.

23 CHAIRMAN KARTHOLL: Motioned by Mr.
24 Ketter, seconded by Ms. Anderson.

1 Could we have a clarification
2 -- do you want to give us a clarification of the
3 letter from the petitioner who now requests only
4 10 to 12 children instead of what was published
5 for at 16, I believe?

6 MS. INFELISE: Sure. Originally when this
7 came into our office as an application, it was for
8 16 or over children. After review after we sent
9 this up to the department, the Health Department
10 came back, notified us that on well and septic
11 only 12 children can be present in a day care
12 home. So we received in email from the petitioner
13 on Friday, April 21st stating that he is no longer
14 requesting the 10 to 20 children, he is requesting
15 10 to 12 children.

16 CHAIRMAN KARTHOLL: Okay, I think that's
17 clarification enough.

18 So, I will also observe that
19 there was no case made and, you know, it's a
20 sensitive kind of a use which implicates safety of
21 the children, so all of the details of drop-off
22 and pick-up and outside activities and inside
23 activities and food service, et cetera, none of
24 that was developed, so I concur with Mr. Ketter.

1 Is there anyone else that wants to make a
2 statement?

3 (No response.)

4 CHAIRMAN KARTHOLL: Okay, then we'll take
5 the vote on the motion to deny.

6 MS. INFELISE: Member Ketter?

7 COMMISSIONER KETTER: Aye.

8 MS. INFELISE: Member Anderson?

9 COMMISSIONER ANDERSON: Aye.

10 MS. INFELISE: Member Rahman?

11 COMMISSIONER RAHMAN: Aye.

12 MS. INFELISE: Member Schultz?

13 COMMISSIONER SCHULTZ: Aye.

14 MS. INFELISE: Member Moran?

15 COMMISSIONER MORAN: Aye.

16 MS. INFELISE: And Chairman Kartholl?

17 CHAIRMAN KARTHOLL: Aye.

18 The motion carries by a vote of
19 6 in favor and none opposed, and I guess we have
20 no new business or old business. Do we have any
21 public comment?

22 MS. INFELISE: We have not received any.

23 CHAIRMAN KARTHOLL: No public comment at
24 the hearing this evening, so --

1 COMMISSIONER ANDERSON: Could I ask for a
2 point of order? What is the schedule for the next
3 -- no meeting tomorrow.

4 MS. INFELISE: Correct.

5 COMMISSIONER ANDERSON: When is the next
6 meeting, next Thursday?

7 MS. INFELISE: May 11th.

8 COMMISSIONER ANDERSON: Is May 11th, okay.

9 CHAIRMAN KARTHOLL: I forgot if we have a
10 notice for new dates after May 11th?

11 COMMISSIONER KETTER: Not yet.

12 COMMISSIONER ANDERSON: Just May 11th so
13 far and the June recommendation meeting?

14 MS. INFELISE: Yes.

15 CHAIRMAN KARTHOLL: Okay, all right. so,
16 that's it, let's adjourn then. Thank you.

17 (Which were all the proceedings
18 had and testimony taken in the
19 above-entitled cause.)
20
21
22
23
24

) SS.

I, LINDA M. CIOSEK, C.S.R. No.

084-2892, duly qualified and commissioned for the State of Illinois, County of DuPage, do hereby certify that at the request of the DU PAGE COUNTY ZONING BOARD OF APPEALS, subject to the usual terms and conditions of Veritext, reported in shorthand the proceedings had and testimony taken at the public hearing of the above-entitled cause, and that the foregoing transcript is a true, correct and complete report of the testimony so taken at the time and place hereinabove set forth.

Linda M. Crook

CERTIFIED SHORTHAND REPORTER

My Commission Expires:

July 26, 2026.

&	a	believe 4:5	commissioner
& 1:21	above 6:19	board 1:1,7,13	1:15,16,17,18
0	7:10	2:2 7:7	1:19 2:16,20
084-2892 7:4	activities 4:22	building 1:9	3:10,14,21 5:7
1	4:23	business 5:20	5:9,11,13,15
10 4:4,14,15	adjourn 6:16	5:20	6:1,5,8,11,12
11th 6:7,8,10	administration	c	commissioners
6:12	1:8	c.s.r. 1:10 7:3	3:2
12 4:4,11,15	agenda 2:4,6	care 4:11	complete 7:12
16 4:5,8	2:11,12,13,15	carl 1:17	concur 4:24
2	3:7	carries 3:6 5:18	conditions 7:8
20 4:14	amend 2:11	case 3:9,16,19	consider 2:8
2023 1:5	amended 2:15	4:19	correct 6:4
2026 7:21	2:21	cause 6:19 7:10	7:12
20th 2:10	anderson 1:16	certified 7:18	county 1:1,7,8
21st 4:13	2:16,23 3:21	certify 7:6	1:9 2:2 7:2,5,6
23 2:10	3:24 5:8,9 6:1	cetera 4:23	couple 2:4
23-000013 1:3	6:5,8,12	chairman 1:14	d
23-013 2:9 3:8	anybody 3:11	2:1,16,19,21,22	d 2:18
26 7:21	3:13	3:4,6,12,23	dates 6:10
28180 7:17	appeal 2:9	4:16 5:4,16,17	day 4:11
3	appeals 1:1,7	5:23 6:9,15	declare 2:14
3 1:5	2:3 7:7	changing 3:17	dennis 1:15
4	application 4:7	children 4:4,8	deny 3:15,20
421 1:9	approval 2:5,7	4:11,14,15,21	5:5
5	2:17	ciosek 1:10 7:3	department 4:9
5:30 1:5	approve 2:17	clarification	4:9
6	april 2:10 4:13	4:1,2,17	details 4:21
6 5:19	aye 3:1,3 5:7,9	comment 5:21	developed 4:24
	5:11,13,15,17	5:23	different 2:4
	b	commission	discuss 2:8
	back 4:10	7:20	drop 4:21
	barry 1:18	commissioned	du 1:1,7 7:2,6
	based 3:15	1:11 7:4	duly 7:4

dupage 1:8 2:2 7:5	hereinabove 7:13	kind 4:20 know 4:19	notary 1:10 notice 6:10 notified 4:10
e	home 4:12 hossain 1:3 2:9 3:7	l	o
e 2:7 email 4:12 entitled 6:19 7:10 et 4:23 evening 2:5 5:24 exclude 2:11 expires 7:20	i	letter 4:3 linda 1:10 7:3 longer 4:13	observe 4:18 office 4:7 okay 2:19,22 4:16 5:4 6:8,15 old 5:20 opposed 3:4 5:19 order 6:2 originally 4:6 outside 4:22
f	illinois 1:10,12 7:1,5 implicates 4:20 infelise 1:21 4:6 5:6,8,10,12,14 5:16,22 6:4,7 6:14	m	p
fact 3:15 failure 3:15 far 6:13 farm 1:9 favor 2:24 5:19 first 2:5 food 4:23 foregoing 7:11 forgot 3:9 6:9 formally 2:10 forth 7:13 friday 4:13	inside 4:22 item 2:11 3:7 items 2:4	m 1:10 7:3 made 2:22 4:19 make 2:17 3:14 5:1 means 2:14 meeting 1:3 2:3 6:3,6,13 member 5:6,8 5:10,12,14 members 1:13 met 3:19 minutes 2:6,7,8 2:18 monthly 2:3 moran 1:15 5:14,15 motion 2:17,22 2:24 3:6,12,14 3:22 5:5,18 motioned 3:23 move 3:20	p.m. 1:5 page 1:1,7 7:2,6 petition 3:8 petitioner 4:3 4:12 pick 4:22 place 7:13 planning 1:21 point 6:2 present 1:13,20 4:11 proceedings 1:6 6:17 7:9 prove 3:16 public 1:11 3:18 5:21,23 7:10 publish 2:13
g	j	n	
give 4:2 going 2:14 guess 5:19	janice 1:16 jessica 1:21 july 7:21 jumped 3:16 june 6:13	near 3:19 necessary 2:12 new 5:20 6:10 north 1:9	
h	k		
health 4:9 hearing 2:2,10 5:24 7:10	kartholl 1:14 2:1,19,21,22 3:4,6,12,23 4:16 5:4,16,17 5:23 6:9,15 kept 3:17 ketter 1:18 2:20,23 3:10 3:14,24 4:24 5:6,7 6:11		

published 2:6 4:4 put 3:18	second 2:20 3:21 seconded 2:23 3:24 sensitive 4:20 sent 4:8 septic 4:10 service 4:23 set 7:13 shorthand 7:9 7:18 signature 7:17 ss 7:1 started 3:18 state 1:11 7:1,5 statement 5:2 stating 4:13 subject 7:7 sure 4:6	true 7:11
q		u
qualified 1:11 7:4 questions 3:17		use 4:20 usual 7:7
r		v
rahman 1:19 5:10,11 ready 2:8 received 4:12 5:22 recommenda... 1:3 2:3 6:13 report 7:12 reported 7:8 reporter 7:18 request 7:6 requesting 4:14 4:14 requests 4:3 responded 3:3 response 3:5 5:3 review 4:8 right 6:15 road 1:9 robert 1:14	take 3:12 5:4 taken 1:6,8 6:18 7:9,13 terms 7:8 testimony 1:6 6:18 7:9,12 thank 2:19 6:16 think 2:12 3:10 4:16 thursday 6:6 time 7:13 tomorrow 6:3 township 3:8,9 transcript 7:11	veritext 7:8 vote 2:13,14 5:5,18
	t	w
s		want 2:10 4:2 wants 5:1 wayne 3:8,9 went 3:16 wheaton 1:9
safety 4:20 schedule 6:2 schultz 1:17 5:12,13		z
		zain 1:19 zoning 1:1,7,21 2:2,9 7:7